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In re Application of
CHRISTENSEN et al.
Application No.: 10/583,993
PCT No.: PCT/DK04/00911
Int. Filing Date: 22 December 2004
Priority Date: 22 December 2003
Attorney Docket No.: CHRISTENSEN10A
For: IDENTIFICATION OF ENCODED
BEADS

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: DECISION ON
:
: PETITION UNDER
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: 37 CFR 1.497(d)
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This is a decision on applicant's "Request to Correct Inventorship pursuant to 37 CFR 1.497(d)", filed in the United States Patent and Trademark Office (USPTO) on 21 January 2009 in the above referenced application. Applicant's request for a one month extension of time is granted.

BACKGROUND

On 22 June 2006, applicant filed a request entry into the national stage in the United States of America under 35 U.S.C. § 371 with, *inter alia*, the requisite basic national fee.

On 21 October 2008, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month was required.

On 12 January 2009, applicant responded to the Form PCT/DO/EO/905 along with the instant petition to correct inventorship.

DISCUSSION

Where the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and 37 CFR 1.497(d) names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor that any error in inventorship occurred without deceptive intention on his or her part; (2) the fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee(s) (See 37 CFR 3.73(b)).

Petitioner provided the statement of Morton Meldal, the inventor to be added, in support of the correction of inventorship under 37 CFR 1.497(d). Applicant also filed an executed declaration. A review of the application file reveals that the petition fee of \$130 was paid. Applicant also submitted the written consent of the assignee to add Morton Meldal as an inventor. Applicant satisfied the requirements of 37 CFR 1.497(d) and met all of the requirements to add Morton Meldal as an inventor in the above-identified international

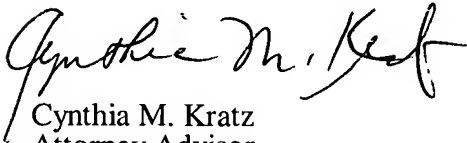
application.

The declaration filed on 21 January 2009 meets the requirements of 37 CFR 1.497(a) and (b) as it identifies the application, all the inventors and provides their respective citizenship. An Application Data Sheet was also provided.

CONCLUSION

Applicant's petition under 37 CFR 1.497(d) to add inventor Morton Meldal is **GRANTED**.

The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date is **21 January 2009**.



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